



DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

March 29, 2006

Mr. Roger Walker
Executive Director
REGFORM
P.O. Box 205
Jefferson City, MO 65101

Dear Mr. Walker:

Thank you for your review and comments on Missouri's Risk-Based Corrective Action (MRBCA) Technical Guidance, received in a letter dated February 10, 2006. This letter is in response to your comments.

Comment #1: Thank you for your support. At this time, the U.S. Environmental Protection Agency (USEPA) has stated that its intention is not to finalize any Memorandum of Agreement until after the rule has been finalized.

Comment #2. Our December 16, 2005, response to EPA concerning the construction worker soil ingestion rate was never intended to advocate changing the 100 mg/day default ingestion rate that was previously adopted by the work group. The selected study findings referenced in our letter to EPA were merely intended to reinforce that considerable uncertainty exists with respect to soil ingestion rates and to provide further support for use of the 100 mg/day rate. We apologize if it appeared to you that we were making a case for changing to a lower default ingestion rate based on the studies referenced in our letter. The Stanek and Calabrese study was extremely small (based on only 10 adults). The 50 mg/day adult soil ingestion rate from EPA's Exposure Factors Handbook has sometimes been used for indoor (non-residential) workers whose potential for ingestion of contaminated soil is far less than that for construction workers. At this time, we intend to retain the 100 mg/day default soil ingestion rate for both commercial and construction workers. This default soil ingestion rate is at the low end of the range used by many other states and EPA Regions. We will remain receptive to revisiting this and any other risk-based issues in the future based on new studies or information. Of course, flexibility to develop site-specific soil ingestion rates for the construction worker will continue to exist at Tier III of MRBCA.

Comment # 3: Your comment on a revised analysis is noted.



Mr. Roger Walker
Page Two

Comment #4: The department has developed a generic quality assurance plan that has been used successfully at Voluntary Cleanup sites. The generic QAPP is located at the following link: <http://www.dnr.mo.gov/env/hwp/qapp/index.htm>. We have received no specific comments on the generic Quality Assurance Project Plan to date, and it will be included in the MRBCA guidance by reference.

Comment #5: The department shares the interest in making long-term stewardship flexible to the extent needed to both protect human health and the environment, and to meet other goals of site owners and others involved in site remediation. The department agrees that layers of controls may not be needed in many situations, provided sufficient control over any remaining contamination is maintained to prevent elevated risk and to respond to any threats that would elevate a site's risk over the time span during which contaminants exceed unrestricted use criteria.

The department welcomes input on how the tracking system can serve as a marketing tool for remediated sites rather than a list of sites to be avoided.

Comment #6: The MRBCA Rule subgroup considered this question previously and may revisit it as the rule proceeds. The department agrees the rule will need to cover necessary aspects of the remediation process while leaving allowances for changing methodologies and values for specific criteria. Both the Attorney General's Office and REGFORM are members of the subgroup, and the department appreciates their continued participation.

Thank you again for your review. I trust this response adequately addresses your concerns, but if you wish to discuss further, please feel free to contact me at the Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176 or by telephone at (573) 751-6998.

Sincerely,

HAZARDOUS WASTE PROGRAM

(original signed by Robert Geller)

Robert Geller
Director

RG:lvj